

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA

v.

ACTION NO. 4:05CR13

ERIC FRANTZ MONTGOMERY,

Defendant.

**REPORT AND RECOMMENDATION<sup>1</sup>**  
**CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Federal Rule of Criminal Procedure 11, and referral from a United States District Judge and has entered a plea of guilty to Counts 1 and 2 of the indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary, and that the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

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<sup>1</sup>

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

I further certify that a copy of this Report and Recommendation was this day delivered to counsel for the United States and for the defendant.

DONE AND ENTERED at Norfolk, Virginia, this 21st day of April, 2005.

/s/

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Tommy E. Miller  
United States Magistrate Judge

Norfolk, Virginia